

BLANK LAW, PC

Criminal Defense Attorney

Focused On: Sexual Assault Charges

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July 23, 2021

The Honorable Ann M. Donnelly

United States District Judge

United States District Court

Eastern District of New York 225

Cadman Plaza East Brooklyn,

New York 11201

Re: *United States v. Robert Kelly*

Criminal Docket No. 19-286 (S-3)(AMD)

Dear Counsel:

Pursuant to Rule 16(b)(1)(C) of the Federal Rules of Criminal Procedure, the defense anticipates and hereby notifies you that it intends to call at trial in the above-referenced matter Dr. Marcus Degraw to testify about the matters described below. A curriculum vitae of the expert will be attached. The defense reserves the right to call substitute expert witnesses.

I. Dr. Marcus Degraw

Dr. Degraw is a medical doctor who holds a Federal DEA Professional License. He is board certified in both Pediatrics and Child Abuse. He has held his Certifications since 2003 and 2009. Dr. Degraw currently serves on the Board of Directors at St. John Medical Group, in Detroit, Michigan. He also is a member of the Board of Directors at Ascension St. John Foundation. Dr. Degraw is also the Director of Business Operations for St. John Hospital

Pediatrics. He is the Co-Chair at St. John Providence Physician Network Governance Council, appointed by the hospital CEO. Dr. Degraw is a member of the Wayne County (includes Detroit, Michigan) Death Review Team. Dr. Degraw also possesses several peer reviewed publications, including but not limited to, DeGraw M, Makoroff K, Shapiro R. Examination findings in pre-pubertal and adolescent females who present with *N. gonorrhea* or *C. trachomatis vaginal infections*. PAS/AAP joint meeting publication, May 2003. He also has a number of Clinical Guidelines, for example, DeGraw M, Shapiro R. *Chlamydia trachomatis and Sexual Abuse - A Fact Sheet for Non-Medical Readers*. Mayerson Center for Safe and Healthy Children, 2002. He also possesses an enormous amount of Professional Presentations, for example, DeGraw M. Presenting Cervical Cancer and other HPV Diseases. Grand Rounds at St. John Hospital. September 1st, 2006. St. John Hospital, Detroit, MI 48236 and DeGraw M. HPV disease associated problems and prevention with Gardasil. Grand Rounds at St. John Hospital – Detroit, MI. February 5th, 2009. Dr. Degraw has provided expert testimony in criminal cases at both the state and federal level.

Dr. Degraw will testify about how Herpes Simplex Virus (HSV) is one of the most common sexually transmitted diseases in the United States. He will testify about whether HSV is asymptomatic or symptomatic. Dr. Degraw will testify about testing after exposure to HSV, and whether or not an individual is able determine if the exposure and/or infection occurred during that exposure, or possibly another exposure, he will explain the reasons that an individual was quite possibly already infected prior to exposure. Whether or not serological testing for HSV assists or does not assist in determining **when** an individual was infected. Further, whether serological testing has any value in attempting to determine **whom** an individual was infected by. How the disease manifests and presents itself and when attempting to determine “who” the individual contracted the disease from, the fact that the number of prior sexual partners plays a role. Dr. Degraw may also explain certain medical records, including those belonging to Mr. Kelly and Jane Doe #6.

Respectfully submitted,

/s/ Nicole Blank Becker

Nicole Blank Becker

Thomas A. Farinella

Counsel for Robert S. Kelly